

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

Eugene Phillips,

Plaintiff,

v.

Credit One Bank; and DOES 1-10, inclusive,

Defendants.

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: Civil Action No.: 1:12-cv-01706
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**COMPLAINT AND
DEMAND FOR JURY TRIAL**

For this Complaint, the Plaintiff, Eugene Phillips, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendants transact business here and a substantial portion of the acts giving rise to this action occurred here.

PARTIES

3. The Plaintiff, Eugene Phillips ("Plaintiff"), is an adult individual residing in Greenfield, Hancock County, Indiana.
4. Defendant Credit One Bank ("Credit One"), is a corporation with a principal place of business at 585 Pilot Road, Las Vegas, Nevada 89119.

5. Does 1-10 (the “Agents”) are individual agents and /or employees, employed by Credit One and whose identities are currently unknown to the Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

6. Credit One at all times acted by and through one or more of the Agents.

FACTS

7. Within the past year, Credit One began calling Plaintiff’s residential phone in an attempt to reach a person other than Plaintiff.

8. Credit One contacted Plaintiff on his residential phone using an automated telephone dialer system with an artificial or prerecorded voice (hereafter “Robocalls”).

9. Plaintiff has no prior business relationship with Credit One and never provided Credit One with his telephone number or contact information.

10. Plaintiff never requested to Credit One either by agreement or otherwise that he be contacted.

11. During the initial conversation and during every conversation thereafter, Plaintiff informed Credit One that the person it was looking for could not be reached at Plaintiff’s residence and instructed Credit One to cease calling.

12. Despite Plaintiff’s repeated requests that Credit One stop calls to him, Credit One thereafter continued to place Robocalls to Plaintiff’s telephone, sometimes calling up to five times per day multiple times per week for successive weeks.

COUNT I
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, ET SEQ.

13. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

14. Without prior consent the Defendants made telephone calls to the Plaintiff's residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the Plaintiff in violation of 47 U.S.C. § 227(b)(1)(B).

15. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the Telephone Consumer Protection Act, including every one of the above-cited provisions.

16. The Plaintiff is entitled to damages as a result of the Defendants' violations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendants:

- A. Statutory damages of \$500.00 for each violation pursuant to 47 U.S.C. § 227(b)(1)(B);
- B. Treble damages for each violation determined to be willful or intentional pursuant to 47 U.S.C. § 227(b)(3)(C);
- C. Such other and further relief as may be just and proper.

Dated: November 19, 2012

Respectfully submitted,

By /s/ Amy L. Cueller

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